

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:23-CV-61233-JEM

THE SMILEY COMPANY SPRL,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

EXPEDITED MOTION FOR EXTENSION OF TIME

Plaintiff, The Smiley Company SPRL (“Plaintiff”), by and through undersigned counsel and pursuant to S.D. Fla. L.R. 7.1(d)(2), hereby files this Expedited Motion for Extension of Time for: a) third party platform Red Bubble to comply with the Court’s Order granting Plaintiff’s *Ex Parte* Application for Entry of Temporary Restraining Order and Order Restraining Transfer of Assets [D.E. 12] (“TRO”); and b) for Plaintiff to move to unseal the docket and enter the Defendant parties as required by this Court’s Order granting Plaintiff’s Motion to Seal Schedule “A” (“Order to Seal”) [D.E. 7], and in support thereof states as follows:

1. On July 6, 2023, the Court entered its Order to Seal in which it required Plaintiff to move to unseal Schedule “A” and add all parties to CM/ECF within seven days of the Court entering the TRO.

2. On July 27, 2023, the Court entered the TRO which *inter alia* required third party platforms to restrain Defendants’ accounts and produce Defendants’ identifying information within five business days after receipt of the Order. TRO, at 7.

3. On July 28, 2023, Plaintiff received a courtesy copy of the sealed TRO from the Court and, later that day, Plaintiff served Redbubble, the third-party online platform hosting service, a copy of the TRO together with a Rule 45 subpoena to identify the Defendants on Schedule “A” and to restrain the respective accounts of the Defendants.

4. Accordingly, pursuant to the TRO and the Court’s Order to Seal, Redbubble is required to comply with the TRO on or before Friday, August 4, 2023 and Plaintiff is required to move to unseal the docket on or before Thursday, August 3, 2023.

5. Red Bubble has advised Plaintiff that compliance by August 4, 2023 is not possible and has requested an additional week to accomplish the required restraint of Defendants’ accounts and to produce Defendants’ identifying information. This extension of time request is consistent with Rule 45’s requirement to allow third parties a reasonable time for compliance with subpoenas. Fed. R. Civ. P. 45(d)(3)(A). Additionally, Plaintiff cannot move to unseal the docket until it has received the identifying information from Redbubble and attended to service of the Defendants pursuant to the Court’s Order granting alternative service [D.E. 8].

6. Plaintiff requests the Court extend the time for Redbubble to comply with the TRO, and for Plaintiff to move to unseal the docket, to **Friday August 11, 2023**. This extension of time should not require extension of the TRO, presently set to expire on Thursday August 24, 2023 corresponding with 28 days after entry of the TRO. *See* TRO, at 9. Nor is this requested extension likely to interfere with a preliminary injunction hearing, which was referred by this Court’s Order [D.E. 13] to Magistrate Judge Becerra and has not yet been set.

7. Pursuant to Local Rule 7.1(d)(2), Plaintiff requests ruling on this expedited motion by August 3, 2023 as that is the date by which Plaintiff is required to comply with the Order to Seal.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion extending the time for Plaintiff's compliance with the Order to Seal and third-party Redbubble's compliance with the TRO to occur on or before August 11, 2023.

Date: August 1, 2023

Respectfully submitted by,

THE BRICKELL IP GROUP, PLLC
1101 Brickell Avenue
South Tower, Suite 800
Miami FL, 33131
Tel: 305-728-8831
Fax: 305-428-2450

/s/ A. Robert Weaver
A. Robert Weaver
Fla. Bar No. 92132
Email: rweaver@brickellip.com

Counsel for Plaintiff